UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,567	12/12/2003	Horst Rossler	Q78815	8602

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EXAMINER
BROOKS, SHANNON

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/733,567*	ROSSLER ET AL.
	Examiner	**Art Unit**	
	SHANNON R. BROOKS	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>27 June 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3 </u>months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

  /NICK CORSARO/

  Supervisory Patent Examiner, Art Unit 2617

Crockett discusses a method for coordinating location dependent information, services, or tasks, comprising the steps of deriving and refining location information of at least one user based on location measurements or proximity observations. Crockett discusses tracking a remote device to within 10 yards outside of a park gate, setting multiple boundaries around a physician's office to track a sales force, or setting boundaries around a job site to monitor time spent at each site. Location information can be refined by a client who may change location specifications. Therefore Crockett reads on the claim limitation of "deriving and refining location information of at least one user based on location measurements (such as a historical set of locations) or proximity observations." Note that the claim language of Claim 1 specifies gathering location measurements or proximity observations. Crockett teaches location measurements and proximity observations, although not required to by the claim language. Crockett discusses providing location information of said at least one user. Crockett discusses detecting the current location of remote devices as well as sets of past locations of the devices to a client. Therefore Crockett reads on the argued claim limitation of "providing location information of said at least one user." Crockett discusses initiating tasks. Crockett discusses service initiated tasks from a user, a computer system that is capable of initiating tasks, system initiated communication modes, and remote device initiated calls. Therefore, Crockett clearly reads on the argued claim limitation of "initiating tasks". Crockett discusses providing information, or services dependent on said location information, by a locator entity in a distributed system gathering said location measurements or proximity observations and aggregating said location information of said of at least one user. Crockett teaches providing information, or services dependent on said location information in discussing a communication system that utilizes an intelligent location agent to provide, on demand, the current locations of one or more remote location devices as well as sets of past locations of the devices. Crockett teaches a distributed system in teaching that the computer system may be distributed across multiple physical locations. Crockett teaches proximity locations as previously discussed. Crockett teaches aggregating location information in teaching retuning sets of past locations of devices, recording events for later download to the client, and recording a new location and time if the location is at least 25 yards from the most recent recorded location. Therefore, Crockett clearly teaches "providing information, or services dependent on said location information, by a locator entity in a distributed system gathering said location measurements or proximity observations and aggregating said location information of said of at least one user." Crockett discusses said locator entity restricting the accesses to said location information by further comprising the steps of authenticating and authorizing or trusting inquirer parties. Crockett teaches identifying client users through account numbers and passwords, verifying account status, specifying which operators are allowed access to which data. Therefore, Crockett reads on the argued claim limitation of 'restricting the accesses to said location information by further comprising the steps of authenticating and authorizing or trusting inquirer parties." Crockett discusses serving location information requests according to inquirer's grants wherein said grants depend on the relative location or absolute location of an inquirer or a user, an inquirer's identity, an inquirer's intention, a user's intention, time, or an information exchange contract. Specifically Crockett teaches grants depending on identification of the client through account number and password. Therefore, Crockett reads on the argued claim limitation of "serving location information requests according to inquirer's grants wherein said grants depend on the relative location or absolute location of an inquirer or a user, an inquirer's identity, an inquirer's intention, a user's intention, time, or an information exchange contract."

Additionally, the Applicant argues that Crockett does not disclose a uniform network interface for detecting devices feeding location information. However, Crockett teaches a client interface through which past histories of devices can be requested and returned through automated voice response, a call center staffed by humans, or a website. Therefore Crockett clearly discloses "a uniform network interface for detecting devices feeding location information." Crockett also discusses a locator device providing a network interface to a locator agent unit's investigation means for identifying and coordinating location information sources or inquirers' and other parties' clients. Crockett teaches a client that may set parameters coordinating and controlling with the client user, the intelligent agents behavior such as, recording at fixed times or intervals or when movement exceeds a specified distance or a named location Therefore, Crockett clearly reads on "a locator device providing a network interface to a locator agent unit's investigation means for identifying and coordinating location information sources or inquirers' and other parties' clients". The Applicant argues that Crockett does not disclose a personalized locator agent unit. However, as previously discussed, the intelligent agent's behavior such as, recording at fixed times or intervals or when movement exceeds a specified distance or a named location can be controlled and coordinated through the client. Therefore, Crockett clearly teaches "a personalized locator agent unit".

The applicant argues that Claims 2-8, 10-14, and 18 should be allowable due to their dependencies on claim 1 and 9. However, Crockett is an exemplary reference from a relevant subclass that clearly reads on the argued limitations above and on the limitations in the claims as set forth in the following office action.